



POLICE DEPARTMENT

October 19, 2015

MEMORANDUM FOR: Police Commissioner

Re: Police Officer Louis York
Tax Registry No. 948445
103 Precinct
Disciplinary Case No. 2014-12805

The above-named member of the Department appeared before me on September 14, 2015, charged with the following:

1. Said Police Officer Louis York, while assigned to the 103rd Precinct, on or about October 23, 2014, while off-duty, in or about said Police Officer's residence in [REDACTED] New York, wrongfully failed to safeguard his service firearm, a Glock model 19, in that said loaded firearm was stored on a shelf in an unlocked closet in said Police Officer's bedroom.

P.G. 204-08, Page 2, Paragraph 7 – FIREARMS - GENERAL REGULATIONS
UNIFORMS AND EQUIPMENT

2. Said Police Officer Louis York, while assigned to the 103rd Precinct, on or about October 23, 2014, while off-duty, in or about said Police Officer's residence in [REDACTED] New York, wrongfully failed to ensure that his service firearm, a Glock model 19, was fully loaded with fifteen (15) rounds in its magazine, as required.

P.G. 204-08, Page 2, Paragraph 13 – FIREARMS - GENERAL REGULATIONS
UNIFORMS AND EQUIPMENT

3. Said Police Officer Louis York, while assigned to the 103rd Precinct, on or about October 23, 2014, while off-duty, in or about said Police Officer's residence in [REDACTED] New York, having been involved in a domestic incident which required the response of members of the Suffolk County Police Department, wrongfully failed to notify the New York City Police Department's Operations Unit promptly, as required.

P.G. 212-32, Page 1, Note – OFF DUTY INCIDENTS INVOLVING
UNIFORMED MEMBERS OF THE SERVICE –
COMMAND OPERATIONS

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P.G. 208-37, Page 4, Additional Data – FAMILY OFFENSES AND DOMESTIC VIOLENCE INVOLVING UNIFORMED OR CIVILIAN MEMBERS OF THE SERVICE- ARRESTS

4. Said Police Officer Louis York, while assigned to the 103rd Precinct, on or about September 20, 2014, while off-duty, in or about said Police Officer's residence in [REDACTED] New York, having been involved in a domestic incident which required the response of members of the Suffolk County Police Department, wrongfully failed to notify the New York City Police Department's Operations Unit promptly, as required.

P.G. 212-32, Page 1, Note – OFF DUTY INCIDENTS INVOLVING UNIFORMED MEMBERS OF THE SERVICE-COMMAND OPERATIONS

P.G. 208-37, Page 4, Additional Data – FAMILY OFFENSES AND DOMESTIC VIOLENCE INVOLVING UNIFORMED OR CIVILIAN MEMBERS OF THE SERVICE- ARRESTS

The Department was represented by David Green, Esq., Department Advocate's Office, and Respondent was represented by John Tynan, Esq.

Respondent pleaded guilty and testified in mitigation of the penalty. A stenographic transcript of the mitigation hearing record has been prepared and is available for the Police Commissioner's review.

DECISION

Respondent, having pleaded Guilty, is found Guilty.

SUMMARY OF RESPONDENT'S MITIGATION TESTIMONY

Respondent, who has been [REDACTED] for 12 years and has two children, testified that in September, 2014, he discovered that his [REDACTED] had been unfaithful to him. On September 20, 2014, while they were inside their residence, they engaged in a verbal

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argument about her infidelity. At some point his [REDACTED] called 911, although he was not aware that she had done this. Suffolk County Police Department officers responded to the residence, prepared a Domestic Incident Report, and escorted him to his father's house. When he arrived at his father's house he realized that he had left his cell phone at home and, as a result, he did not promptly call the Operations Unit to report that police had responded to his residence.

Between September 21, 2014 and October 23, 2014, he and his [REDACTED] attended [REDACTED] counseling sessions together.

On the night of October 23, 2014, he and his [REDACTED] were inside their residence and their [REDACTED] were asleep in their upstairs bedrooms. Because he had learned that his [REDACTED]'s infidelity was continuing, he confronted her. Although he normally stored his Glock model 19 inside a locked safe in the basement, which his [REDACTED] was able to open because she knew the combination to the safe, that night he had stored his Glock on a shelf inside an unlocked closet in their bedroom. He was apparently not aware that the magazine of his Glock contained only 14 rounds and was not was fully loaded with 15 rounds. His [REDACTED] who had been drinking wine, knew that he had stored his gun on a shelf in their bedroom closet. She went to the bedroom and retrieved his loaded Glock. His [REDACTED] pointed the Glock at herself and stated that she would kill herself. She then pointed the Glock at Respondent who managed to wrestle the firearm away from her. During the struggle, the gun struck him in the head. He then handcuffed his [REDACTED] and called 911. His [REDACTED] was arrested by Suffolk County police officers for menacing and she was removed to a nearby hospital for [REDACTED] evaluation. He was transported to a Suffolk County Police Precinct where he waited from 2300 hours until 0300 hours for a

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lieutenant to arrive at the precinct to speak to him and for a ride home. This resulted in a delay of four hours before he notified the Operations Unit. He and his [REDACTED] are still [REDACTED] and have continued to attend [REDACTED] counseling sessions together.

PENALTY

In order to determine an appropriate penalty, Respondent's service record was examined. See *Matter of Pell v. Board of Education*, 34 N.Y.2d 222 (1974). Respondent was appointed to the Department on July 14, 2009. Information from his personnel record that was considered in making this penalty recommendation is contained in an attached confidential memorandum.

The Assistant Department Advocate (the Advocate) recommended that Respondent forfeit 30 vacation days as a penalty. The Advocate did not cite any specific prior disciplinary decisions to support his penalty recommendation. Respondent's attorney argued that the penalty to be imposed on Respondent should consist of no more than the loss of seven vacation days.

With regard to Respondent's failure to promptly notify the Operations Unit that local police had responded to his residence, in *Case No. 2012-8700* (Oct. 24, 2014), a 16-year sergeant who had no prior disciplinary record received a reprimand as a penalty after he was found guilty of having failed to notify the Operations Unit of the fact that he had called his local police department to complain that his [REDACTED] was not allowing him to see their [REDACTED]

With regard to Respondent's failure to safeguard his firearm, 20-day penalties have consistently been imposed where Respondents who had no prior disciplinary record

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pleaded guilty to this misconduct. See *Case Nos. 2014-12300* (Feb. 26, 2015); *2014-12533* (Mar. 27, 2015); *2014-12566* (Mar. 30, 2015); *2014-11302* (Apr. 7, 2015); *2014-12521* (June 19, 2015); and *2014-12723* (Sept. 10, 2015).

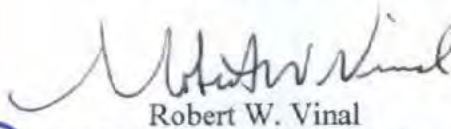
In a recent case where the charges closely mirror the instant case, *Case No. 2014-11892* (Apr. 7, 2015), an 18-year detective who had one prior disciplinary adjudication forfeited 25 vacation days for failing to notify the Department that he had been involved in domestic incidents on two separate occasions and failing to safeguard his firearm on one of those occasions.

With regard to Respondent's [REDACTED]'s action of pointing his firearm at herself, threatening to shoot herself, and then pointing his Glock at him, the Advocate stated during his closing argument that Respondent "had absolutely no way of knowing that his [REDACTED] would act in such an erratic fashion." However, it was foreseeable that placing his Glock on a shelf inside an unlocked bedroom closet, rather than inside his basement safe, could result in the retrieval and misuse of the firearm.

Finally, I have also taken into consideration that Respondent has no formal disciplinary record; has received consistently good performance evaluations; and has been awarded a medal for integrity.

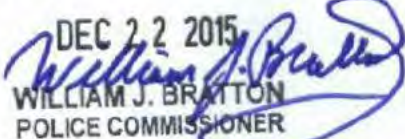
Therefore, it is recommended that Respondent forfeit 25 vacation days.

Respectfully submitted,


Robert W. Vinal

Assistant Deputy Commissioner – Trials

APPROVED

DEC 22 2015

WILLIAM J. BRATTON
POLICE COMMISSIONER

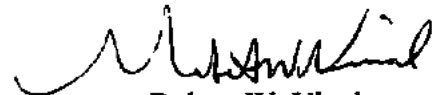
POLICE DEPARTMENT
CITY OF NEW YORK

From: Assistant Deputy Commissioner - Trials
To: Police Commissioner
Subject: CONFIDENTIAL MEMORANDUM
POLICE OFFICER LOUIS YORK
TAX REGISTRY NO. 948445
DISCIPLINARY CASE NO. 2014-12805

Respondent received an overall rating of 4.0 on his 2014 annual performance evaluation, 4.5 on his 2013 annual evaluation, and 4.0 on his 2012 evaluation. He has been awarded one Meritorious Police Duty-Integrity medal, one Meritorious Police Duty medal and three Excellent Police Duty medals. [REDACTED]

[REDACTED] He has no prior formal disciplinary record and no monitoring records.

For your consideration.



Robert W. Vinal
Assistant Deputy Commissioner - Trials